

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FIDELITY AND GUARANTY)
INSURANCE COMPANY,)
Plaintiff,)
V.)
STAR EQUIPMENT CORPORATION,)
CHARLENE B. FORAN, JOHN J.)
FORAN and TOWN OF SEEKONK,)
Defendants.)
Civil Action No.: 04-10250-EFH

JOINT MOTION TO CONTINUE TRIAL

Now come the parties and respectfully request this Court continue the trial of the above captioned matter presently scheduled for December 5, 2005. The parties request the trial be continued until a date in late February.

As grounds for this motion the parties state that this is an action involving a dispute over the construction of water mains for the Seekonk Water District. Given the complexity of the issues at hand and scheduling issues, the parties have not completed all discovery and require additional time to take further depositions. The depositions are directly relevant to the controversy at issue. The parties have been working diligently to complete discovery. Additionally, all counsel believe this is an appropriate case for mediation rather than trial. The parties would like to complete the depositions and then submit this matter to mediation.

The plaintiff has also recently filed a summary judgment motion to which the opposition is not yet due.

Wherefore the parties respectfully request the trial of this action be continued from December 5, 2005 until a date in late February so the parties may complete discovery and submit this matter to mediation in an effort to resolve this action.

Respectfully submitted,

Fidelity & Guaranty Insurance Company,
By its attorneys,

Town of Seekonk (misnomer)
By its attorneys.

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Dated: November 14, 2005